

FILED
JAMES BONINI
CLERK

United States District Court
Southern District of Ohio
Western Division

06 OCT 30 PM 1:53

WESTERN DIVISION

United States of America
Plaintiff

Criminal Case
NO. CR-1-02-022

✓

Samuel A Ashley Jr.
Defendant

Senior Judge Beckwith

Clerical Mistakes
Rule 60A - R.CIV. PROC.

Now comes the Defendant, Samuel A Ashley Jr, PRO SE, who respectfully notifies this Honorable Court of a mistake with regards to his sentence. The error is plain, and has violated the Defendant's Due Process: Liberty constitutional Rights.

The Defendant entered a guilty Plea to a three Count Superseding Information, charging two counts of violation of 18 USC § 1341 mail fraud, and one count of violation of 26 U.S.C. § 7201, tax evasion.

Each of the three charges carry a maximum of five years each, for a total of fifteen years. However, at Sentencing the Sentencing court started at a level 32 (Range from 151-188)- then departed 3 levels to arrive at level 29 (108-135).

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The Defendant submits that the starting point is level 31 (Not 32) The Defendant could not have received 188 months, therefore his level was ~~9 31, Not 32.~~

Starting at the correct level of 31, then departing 3 levels for acceptance, would end on the correct level of 28 (97-121). The Defendant agrees that the sentencing court would have given him the maximum of 121 months.

If by law the defendant did not fit into highest level, then the wrong level was used. This plain error cost the defendant an additional 14 months in PRISON.

For all the reasons stated above, the defendant respectfully requests that his sentence be reduced by 14 months.

Respectfully Submitted

Sc

Sam Ashley 40656061

F.P.C.

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I do certify that a copy of this motion has been sent via legal mail at FCI Minersville PA, to the Asst US Attorney at 221 E. Fourth St Room 400 Cincinnati, Oh 45202 on the 26th Day October 2006.

Sc